



### DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors believe they are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **APPARATUS AND METHODS FOR PRODUCING AND DISPENSING AUTOMOBILE APPEARANCE CARE PRODUCTS CHARGED TO A CUSTOMER ON SELECTED BASES**, the specification of which:

☐ is attached herewith.

☒ was filed on August 22, 2003 as Application Serial No. 10/646,622.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### PRIOR FOREIGN APPLICATION(S)

|          |           |              |        |
|----------|-----------|--------------|--------|
| N/A      |           |              | Yes/No |
| (Number) | (Country) | (Date Filed) |        |
| N/A      |           |              | Yes/No |
| (Number) | (Country) | (Date Filed) |        |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

|                          |                   |          |
|--------------------------|-------------------|----------|
| 10/321,779               | December 17, 2002 | Pending  |
| (Application Serial No.) | (Filing Date)     | (Status) |
| N/A                      |                   |          |
| (Application Serial No.) | (Filing Date)     | (Status) |

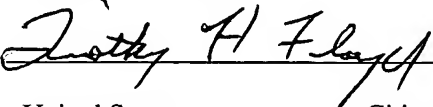
I hereby claim the benefit under title 35, United States code §119(e) of any United States provisional application(s) listed below:

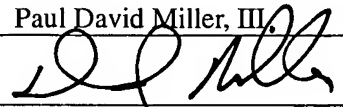
|                          |                          |
|--------------------------|--------------------------|
| <u>60/342,575</u>        | <u>December 19, 2001</u> |
| (Application Serial No.) | (Filing Date)            |
| <u>N/A</u>               |                          |
| (Application Serial No.) | (Filing Date)            |

Please direct all communications as follows:

Customer Number: 35690  
Eric B. Meyertons  
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
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I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Timothy H. Floyd  
Inventor's Signature:  Date: 10-21-03  
Country of Residence: United States Citizenship: USA  
Residence Address: 1617 Russell Dr Garland TX 75040  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Paul David Miller, III  
Inventor's Signature:  Date: 10/21/03  
Country of Residence: United States Citizenship: USA  
Residence Address: 10995 CROOKED CREEK DR DALLAS TX 75229  
(Include number, street name, city, state and zip code)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/646,622  
Filed: August 22, 2003  
Inventor(s):  
Floyd et al.

§ Examiner: Unknown  
§ Art Unit: Unknown  
§ Atty. Dkt. No: 5082-09907  
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Title: APPARATUS AND  
METHODS FOR  
PRODUCING AND  
DISPENSING  
AUTOMOBILE  
APPEARANCE CARE  
PRODUCTS CHARGED  
TO A CUSTOMER ON  
SELECTED BASES

|  |
|--|
| <p>CERTIFICATE OF MAILING<br/>UNDER 37 C.F.R. §1.8</p> <p>DATE OF DEPOSIT: 12.9.03</p> <p>I hereby certify that this correspondence is being deposited with<br/>the United States Postal Service with sufficient postage as first<br/>class mail on the date indicated above and is addressed to:</p> <p>Commissioner for Patents<br/>Alexandria, VA 22313</p> <p><i>B. Gail Ballard</i><br/>B. Gail Ballard</p> |
|--|

**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73**  
**AND POWER OF ATTORNEY**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints: (1) the practitioners at Customer Number 35690; and (2)

|                     |                 |
|---------------------|-----------------|
| Mark K. Brightwell  | Reg. No. 47,446 |
| Kay A. Colapret     | Reg. No. 52,759 |
| Steve J. Curran     | Reg. No. 50,664 |
| Mark R. DeLuca      | Reg. No. 44,649 |
| Heather L. Flanagan | Reg. No. 54,101 |
| Russell Henrichs    | Reg. No. 50,354 |
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| Jeffrey C. Hood     | Reg. No. 35,198 |
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|                    |                 |
|--------------------|-----------------|
| Robert C. Kowert   | Reg. No. 39,255 |
| Lawrence J. Merkel | Reg. No. 41,191 |
| Eric B. Meyertons  | Reg. No. 34,876 |
| Neal E. Persky     | Reg. No. 53,452 |
| Liza Philip        | Reg. No. 51,352 |
| David W. Quimby    | Reg. No. 39,338 |
| Rory D. Rankin     | Reg. No. 47,884 |
| Gareth Sampson     | Reg. No. 52,191 |
| Chris Thompson     | Reg. No. 43,188 |
| Mark S. Williams   | Reg. No. 50,658 |

each an attorney or agent of the firm of MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Auto Wax Company, Inc., referenced below, and certify that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Eric B. Meyertons, Esq.  
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. BOX 398  
AUSTIN, TEXAS 78767-0398  
(512) 853-8888 (voice)  
(512) 853-8801 (facsimile)

ASSIGNEE:

AUTO WAX COMPANY, INC.

By: 

Title: CEO

Date: 10/21/03

ASSIGNMENT: x Enclosed for recording